

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Diana Townsend	Team: Squad #7	CCRB Case #: 201503182	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/22/2015 6:00 PM	Location of Incident: 43rd Precinct stationhouse	Precinct: 43	18 Mo. SOL 10/22/2016	EO SOL 10/22/2016	
Date/Time CV Reported Fri, 04/24/2015 10:26 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/24/2015 10:26 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. SGT Kevin Finegan	01598	923434	043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Thomas Kenny	2249	945425	043 PCT
2. POF Lorraine Fuentes	09878	944221	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Kevin Finegan	Abuse: Sgt. Kevin Finegan refused to provide his name and shield number to § 87(2)(b)	

Case Summary

On April 22, 2015, at approximately 6 p.m., § 87(2)(b) arrived at the 43rd Precinct stationhouse to check on the status of a prior complaint. § 87(2)(b) waited behind the barrier separating the desk from the civilian waiting area, but Sgt. Kevin Finegan, who was seated behind the desk, never called her over. § 87(2)(b) asked Sgt. Finegan to come to her, but he refused. § 87(2)(b) then yelled the reason for her visit to Sgt. Finegan, who remained approximately 20 feet away from her. § 87(2)(b) asked Sgt. Finegan for his name and he allegedly responded “Herkel,” though § 87(2)(b) believed that he provided a false name (**Allegation A**). Eventually, an NYPD civilian employee assisted § 87(2)(b) in the back room of the stationhouse. Upon exiting, § 87(2)(b) stopped and asked Sgt. Finegan for his shield number. This time, Sgt. Finegan asked her why she wanted it. § 87(2)(b) informed him that she wanted to know who she was filing a complaint against, but Sgt. Finegan allegedly refused to provide his shield number (**within Allegation A**). § 87(2)(b) left the stationhouse without obtaining his information. No summonses or arrests resulted from his incident.

Mediation, Civil and Criminal Histories

- This case was eligible for mediation; however, § 87(2)(b) declined to participate.
- § 87(2)(b)

Civilian and Officer CCRB Histories

- This is § 87(2)(b)'s second CCRB complaint. § 87(2)(b)
- Sgt. Finegan has been a member of the service for 16 years and is the subject officer of six prior allegations stemming from three prior complaints. None of Sgt. Finegan's prior complaints included substantiated allegations § 87(2)(g) (See Sgt. Finegan's CCRB History).

Potential Issues

- On April 22, 2015, the NYPD had a mandatory training which required tour two officers to work nearly four hours after their tour was supposed to end, which resulted in tour three officers coming in nearly four hours late for their scheduled tour. Due to the poor documentation capturing the change in tours, and § 87(2)(b)'s broad physical description of the subject officer, the investigation suffered delays in the officer identification process.
- § 87(2)(b) described three potential witness officers. PO1 was described as a 5'3" tall, uniformed Hispanic female officer with black hair who sat behind the desk. Given that PO Lorraine Fuentes was working as the Assistant Desk Officer at the time of the incident, and she matches the physical description provided by § 87(2)(b) she was interviewed as a witness officer (NYPD Document 04). PO2 was described as a uniformed, tall, heavysset black man with a “small afro,” who § 87(2)(b) could not describe further. PO3 was only described as a uniformed white or Hispanic heavysset man. The roll call, command log, and interrupted patrol log identified numerous officers

who fit the baseline physical description and could have been at the precinct at the time of this incident (NYPD Document 01 and 02). All officers interviewed denied knowing who the additional witness officers were, and, as a result of these two factors, they remain unidentified.

Findings and Recommendations

Explanation of Subject Officer Identification

- § 87(2)(b) stated that she arrived at the stationhouse at approximately 6 p.m., and interacted with the desk sergeant, who she described as a uniformed, 6” tall white man with “little hair” and “beady eyes” who appeared to be in his 40s. Sgt. Finegan, who is a § 87(2)(b)-old, 5’9” tall white man with a receding hair line, matches the baseline physical description. According to the tour two roll call and Sgt. Finegan’s memo book, he was assigned to the desk at the time of this incident, as tour two worked overtime to account for NYPD-wide training (NYPD Document 03). § 87(2)(g)

Allegation A – Abuse of Authority: Sgt. Kevin Finegan refused to provide his name and shield number to § 87(2)(b)

§ 87(2)(b) alleged that she arrived at the 43rd Precinct stationhouse and requested Sgt. Finegan’s name, but he provided a false name, “Herkel.” Minutes later, she alleged that she requested his badge number and he asked her why she wanted the information. § 87(2)(b) responded that she likes to know who she is speaking to and she intended to file a complaint against him. Sgt. Finegan allegedly refused to provide his information by remaining silent (See § 87(2)(b)’s Statement).

Sgt. Finegan, who was interviewed nearly three months after this incident, was unable to recall this incident or ever interacting with § 87(2)(b). He was presented with a photo of § 87(2)(b) and details of the incident, but this failed to aid in his recollection. Sgt. Finegan denied refusing to provide his name or shield number to any civilian on that date, and noted that he always provides his information when it is requested of him (See Sgt. Finegan’s Statement). PO Fuentes, who was interviewed a little over two months after this incident, was also unable to recall this incident. She was provided with a detailed account of the incident and a photo of § 87(2)(b) but this did not aid in her recollection. PO Fuentes did not recall hearing Sgt. Finegan refuse to provide his name or shield number to any civilian on that date (See PO Fuentes’ Statement).

§ 87(2)(g)

Pod: 7

Investigator:	_____	<u>Diana P. Murray</u>	_____
	Signature	Print	Date

Pod Leader:	_____	<u>Diana P. Murray</u>	_____
	Title/Signature	Print	Date

Attorney:	_____	_____	_____
	Title/Signature	Print	Date